

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IOLANDA MAZZARA, :
v. :
Plaintiff, : Civil Action No. 22-7307 (SRC)
CLUB 15, LLC and :
STEVEN VERBESKY, :
Defendants. :
: **OPINION & ORDER**

CHESLER, U.S.D.J.

This matter comes before the Court on the motion for default judgment by Plaintiff Iolanda Mazzara against Defendants Club 15, LLC and Steven Verbesky (collectively, “Defendants.”) For the reasons that follow, the motion will be denied.

The Amended Complaint asserts four counts, alleging violations of the Fair Labor Standards Act, the New Jersey Wage and Hour Law, the New Jersey Wage Payment Law, and the common law. In brief, the Amended Complaint alleges that Defendants failed to pay Plaintiff her legally-required wages. The Amended Complaint alleges:

Defendant Steven Verbesky is a principal of Defendant Club 15 and at all times relevant herein, directed, aided, abetted, and/or assisted with creating and/or executing the policies and practices of Defendant Stage Dolls which resulted in Defendant Stage Dolls failing to pay Plaintiff proper compensation pursuant to the FLSA and the New Jersey Wage Laws.

(Am. Compl. ¶ 9.) The docket for Civil Action No. 22-7307 does not identify “Stage Dolls” as a Defendant in this case. Neither the Amended Complaint nor the brief in support of the instant motion for default judgment make any other reference to “Stage Dolls.” The four counts

themselves allege only that “Defendants” failed to pay wages. The Amended Complaint thus asserts that a non-party is liable for the alleged failures to pay wages to Plaintiff.

On a motion for default judgment, the well-pleaded facts in the Complaint are accepted as true. “A consequence of the entry of a default judgment is that the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.” Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir. 1990). The Court finds that the Amended Complaint contains confusing and contradictory assertions about the identity of the employer in this case, and does not contain any well-pleaded factual allegation as to the identity of the employer. The Amended Complaint thus does not allege a sufficient factual basis to find that the named Defendants, Club 15, LLC and Steven Verbesky, are liable for the wage violations alleged. The motion for default judgment will be denied without prejudice.

For these reasons,

IT IS on this 9th day of May, 2024,

ORDERED that Plaintiff’s motion for entry of default judgment (Docket Entry No. 10), pursuant to Federal Rule of Civil Procedure 55(b)(2), is **DENIED** without prejudice.

s/ Stanley R. Chesler
Stanley R. Chesler
United States District judge